



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

## Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), Oil-Dri Corporation of America's (MPC), authorization for the incidental take (IT) of the State endangered Spotted Dusky Salamander (*Desmognathus fuscus conanti*) in Pulaski County, Illinois [as described/shown in the FINAL 2012 conservation plan received by the Department on 27 February 2012] is hereby granted. This is subject to the terms and conditions described in the attached Authorization and Implementing Agreement. The Illinois Department of Natural Resources has determined that this authorized take is incidental to the mining of the LeFevre-Mager Mine #5 tract (LFM), in Pulaski County, Illinois.

### Procedural History

Oil-Dri Corporation of America (in conjunction with MPC) prepared a conservation plan for the LFM Surface Mine as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That FINAL plan (2012) and Oil-Dri's request for authorization for incidental take of spotted dusky salamanders were received by the Illinois Department of Natural Resources (Department) on 27 February 2012. Public notice of Oil-Dri's request for authorization of incidental take of this State endangered species was published in the Breeze Courier (Official State newspaper) and the Monday's Pub (Pulaski County) on April 9, 2012, as well as on April 16, 2012 and April 23, 2012. Public comments on Oil-Dri/MPC's conservation plan were accepted by the Department until May 23, 2012. No comments were received by the public during the period of April 9, 2012 through May 23, 2012.

During site investigations and other planning to expand its existing surface mine, located on the same (LFM) tract, MPC determined that habitat conducive to the spotted dusky salamander occurs in the central drainage bisecting the subject property. After extensive consultation with the Department, MPC created a Conservation Plan to minimize detrimental impacts to the spotted dusky salamander that may result from the construction, grading, excavation, and mining activities associated with the mine expansion. As per this Incidental Take Authorization, MPC will restore mined areas and drainage courses and preserve upstream forested habitat. MPC will also construct and maintain sediment retention and control in accordance with best management practices (BMPs) to protect habitat from storm water runoff and soil erosion.

### Compliance with the Endangered Species Protection Act

The Illinois Endangered Species Protection Act includes six (6) criteria which must be met for the authorization of incidental take of an endangered or threatened species. These criteria and the Department's determination for each criterion are listed below.

1. The taking will not be the purpose of, but will only be incidental to, the carrying out of an otherwise lawful activity:

**A.** In January 2008, Mounds Production Company, LLC ("MPC") applied to the Department of the Army (USACE) for a permit to affect 4.98 acres of wetlands on a 440 acre proposed clay mining site under Section 404 of the Clean Water Act. Under the permit, MPC sought to relocate portions of an intermittent stream system in order to proceed with the extraction of absorbent clay from its principal mine in Pulaski, County Illinois. Rights to these mineral resources on the properties of Gary and Athalyn LeFevre and Don and Marion Michel were acquired when MPC purchased the clay processing and manufacturing facility in Mounds, Illinois and related mining assets from American Colloid Company. The areas in question were permitted by the Illinois Department of Natural Resources, Office of Mines and Minerals in 2005. During the Section 404 permitting process, MPC was informed that this principal mine site was a known habitat of an Illinois-listed endangered species, *Desmognathus conanti*, or Spotted Dusky Salamander. At that time, MPC contacted the Illinois Department of Natural Resources to begin the consultation process.

The LeFevre-Mager Mine #5 is located on Clay Pit Road and Feather Trail Road about 0.5 miles north of Olmsted, Illinois. The mineral leases involved include the 273 acre LeFevre tract and the 167 acre Mager tract and have been mined for absorbent clay since the 1970's. The LeFevre Mager Mine #5 (LFM) permit area is comprised of 102 acres, located in portions of Sections 21, 16, and 15, Township 16 South, Range 1 East, of the Third Principal Meridian, Pulaski County, Illinois; however, in the IDNR reviewed/approved Conservation Plan, references to the "affected wetland area" refer only to the approximately 4,630 ft. of intermittent 2<sup>nd</sup> and 3<sup>rd</sup> order stream and associated 4.98 acres of wetland corridors on which MPC proposes to conduct surface mining and related activities.

## **B. Potential Impacts**

**Mining:** MPC's principal raw materials surface mine is located on the LeFevre-Mager site. This project involves the phased rerouting and subsequent mining of intermittent streams and associated narrow palustrine & riparian wetland corridors. Trees will be harvested and other vegetation will be removed prior to the progression of mining across the proposed permit area. The topsoil will be removed; and overburden (material that lies between the topsoil and the Porter's Creek formation of absorbent clay) will then be stripped using bulldozers and/or pan scrapers. The clay will be mined using excavators, loaded onto trailer dump trucks and hauled to MPC's Mounds plant for processing. Spotted Dusky Salamander habitat will likely be impacted when activity occurs near wetland bottoms and intermittent stream banks.

As reported to the Department, Mounds Production Company must begin mining of this area no later than October 2012 in order to continue to operate the Mounds plant. It is expected that mining will proceed for several years, and that only 5 to 10 acres of the site will be used for active mining at any one time. For example only 12 acres of land were affected on the LeFevre-Mager #5 mine during the last 4 years.

**Water Course Diversion:** Concurrent with the development of the mine, MPC plans to divert the surface water flows into wetlands which are being developed to the southeast of the present water course. These actions affect a portion of the salamander habitat located on the LeFevre-Mager #5 surface mine (LFM), and will likely affect the Spotted Dusky Salamander. Following water course diversion, the existing wetland corridor will be mined as indicated above, thereby disturbing the salamander habitat present on the site.

2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking.

**A. Quantification of Take**

The principal area of impact, where the Spotted Dusky Salamanders and larvae have been identified, is the central stream zone of the LeFevre-Mager Mine #5. The number of Spotted Dusky Salamanders actually occurring in this drainage is unknown. However, MPC has carried out surveys of the site and located a second year juvenile salamander and suitable habitat and food supplies in the central drainage of the LeFevre-Mager Mine #5 site. It is reasonable to expect incidental take of this species during site clearing activities and/or the stripping and mining of the affected wetland area.

**B. Measures To Minimize Potential Impacts on the Spotted Dusky Salamander (solely proposed by Oil -Dri/MPC)**

MPC has consulted with the Illinois Department of Natural Resources ("IDNR"), United States Army/Corps of Engineers ("USACE"), the United States Department of Agriculture Natural Resource Conservation Service ("USDA-NRCS"), and the Illinois Natural Areas Inventory in developing its general mining plan, wetland mitigation plan, and the Department reviewed/approved Conservation Plan. To the extent possible, MPC will attempt to minimize detrimental impacts to the ecology and cultural resources of the area. MPC has developed a Conservation Plan (reviewed and approved by the IDNR) for the sustainable use and ultimate restoration of mined wetland forest and drainage courses on the LeFevre-Mager tracts and is preserving upstream forested habitat. Site restoration may result in the eventual re-colonization of the recreated forested wetland habitat by the Spotted Dusky Salamander.

Mounds Production Company, LLC, Oil-Dri Corporation of America and any and all environmental consultants/contractors, shall be responsible for overseeing and coordinating all minimization, monitoring (pre and post reclamation), and mitigation efforts identified within the LeFevre-Mager Mine #5 (LFM) absorbent clay surface mine (Pulaski County, Illinois) Conservation Plan and this subsequent Final Incidental Take Authorization document.

In addition, Mounds Production Company, LLC, Oil-Dri Corporation of America, and all retained consultants/contractors, shall be responsible for planning, contract execution, and construction supervision for this entire project. NOTE: *All minimization, monitoring, and mitigation efforts associated with the LeFevre-Mager Mine #5 absorbent clay surface mine (Pulaski County, Illinois) must first be reviewed and officially approved in writing by an authorized agent of the Illinois Department of Natural Resources (Department) prior to any form of implementation.*

Per environmental mitigation guidelines established in 17 III. Admin. Code 1080.40, Mounds Production Company, LLC and Oil-Dri Corporation of America shall make a one-time mitigation payment/settlement of \$150,000.00 specifically to the "Illinois DNR Wildlife Preservation Fund". Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), authorization for the incidental take of the State listed Spotted Dusky Salamander (*Desmognathus conanti*) in Pulaski County, Illinois [associated with the LeFevre-Mager Mine #5 (LFM) absorbent clay surface mine] shall be granted by the Department, subject to specific terms and conditions described in this Final Authorization and Implementing Agreement.

The mitigation settlement for the LeFevre-Mager Mine #5 (LFM) absorbent clay surface mine (\$150,000.00) shall be used by the Illinois Department of Natural Resources and its designated Agents solely for Spotted Dusky Salamander conservation, restoration, management, and/or recovery efforts including but not limited to: Spotted Dusky Salamander habitat restoration; enhancement; acquisition; biological surveys; captive rearing; and/or species translocation efforts anywhere within the State of Illinois.

**Reduced Mine Area:** MPC's initial plans contemplated mining the entire LeFevre-Mager Site, and included stream relocations to the west and south of the presently proposed footprint. However, upon realization of the potential presence in the drainages of the Spotted Dusky Salamander, MPC abandoned plans to mine a steep ravine near Feather Trail Road, wooded areas to the north and the southern-most reaches of the principal drainage system. MPC now plans to mine only 4.98 acres of wetlands, or about half the original area of potential salamander habitat as indicated in the IDNR approved Conservation Plan. MPC will maintain an undisturbed buffer between mine areas and the ravine along Feather Trail road and between mine areas and the central drain north of Phase 2 and south of the Phase 3 reaches. MPC will protect the upper reaches of the stream and ravine habitats that likely play a critical role in Spotted Dusky Salamander life reproduction and life cycle. MPC will not harvest timber, mine, or conduct related mining activities within this critical habitat area.

MPC will install silt fence upslope of the buffer where ever mining and related activities will impact protected areas. During all mining activity on adjacent areas, particularly clearing and stripping, MPC will limit sediment transport to protect habitat and limit incidental take. In addition, MPC will utilize other Best Management Practices (i.e. USDA-NRCS, 1997 and GSWCC, 2002), including a diversion ditch/berm system upslope of silt fences when necessary to reduce sediment transport into the system.

### **C. Compensation/Mitigation of Incidental Take (solely proposed by Oil -Dri/MPC)**

**Abandonment of Clay Assets/Habitat Preservation:** By reducing the size of its mine, MPC is effectively abandoning mineable and valuable clay to limit affected areas and better manage sediment and erosion control on the site. Abandoned areas were chosen to provide hydrologic connection and wildlife habitat upstream and wildlife habitat downstream of affected areas to enhance the re-colonization of the site by the dusky salamander upon completion of site reclamation and wetland restoration.

**Mitigation Compensation:** Per this Incidental Take Authorization, the Mounds Production Company and Oil-Dri Corporation agrees to make a one-time payment/settlement of \$150,000.00 specifically to the "Illinois DNR Wildlife Preservation Fund". Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), authorization for the incidental take of the State listed Spotted Dusky Salamander (*Desmognathus conanti*) in Pulaski County, Illinois [associated with the LeFevre-Mager Mine #5 absorbent clay surface mine] shall be subject to the specific terms and conditions described in this Final Authorization and Implementing Agreement.

**Habitat Restoration/Habitat Creation:** On the LeFevre-Mager site, MPC will continue to reclaim previously disturbed wetland areas as new mining progresses. MPC's approach is to return the system to functioning palustrine and riparian systems by construction of remeandered channels in the approximate original locations. Reconstructed stream landscape position and placement in the watershed along with re-connection to the upstream existing drainage ways will likely provide the hydrologic component. Soil substrate from adjacent areas will be replaced, and thus should likely function similar to previous substrate materials. Finally, the mitigation site will be seeded with native wetland grasses and forbs and planted with native trees and shrubs according to the standards and specifications outlined in the IDNR reviewed Wetland Planting Plan/Conservation Plan.

The intent of this reclamation plan is to ultimately increase salamander habitat on this site and, in the process, improve flood storage, reduce non-native plant presence in the watershed, increase hardwood tree prevalence and enhance aesthetic value.

The habitat reconstruction will include the replacement of 4.98 acres of disturbed wetlands and 4,630 ft. of intermittent stream and ditches with 8.90 acres of forested riparian and palustrine wetlands, and 5,295 ft. of intermittent streams. The drainage ways will be re-meandered and woody debris placed in the channel to enhance habitat. MPC will also protect 1.3 acres of palustrine and forested wetlands and associated 1,150 ft. of intermittent stream and establish 10.5 acres of native buffer vegetation between riparian system components and surrounding more intensive land uses.

The above constructed and protected wetlands and associated buffers comprise a total of 20.7 acres of wetlands and transitional habitat and 6,445 ft. of stream channel that will be protected in perpetuity from disruption by way of a restrictive covenant. Copies of this restrictive covenant shall be officially filed with Pulaski County, kept on record at MPC, and supplied to the IDNR (attn: Joseph Kath). The provision of protected areas should enhance the potential for colonization of the reconstructed habitat by the Spotted Dusky Salamander with the intent to assure the survival of a viable population of the species on this tract.

**Survey and Monitoring:** This newly created habitat will be monitored to determine the rate at which spotted dusky salamanders colonize the re-constructed habitat. This monitoring shall be conducted by a qualified individual that is employed with and/or hired through MPC. This individual must first be approved in writing by the IDNR prior to commencement of any monitoring activities. Beginning in the fall 2008, MPC retained the services of a biologist-specialist to carry out surveys of the Spotted Dusky Salamander population on the site. An initial survey: 2 days (separate weeks) was carried out to determine if Spotted Dusky Salamanders appeared to be present in the areas to be affected by the proposed mining. A second year juvenile dusky was located in the project area, and suitable habitat was found. No adult salamanders, other juveniles, or larvae were located in this first review.

Between 1974 and 2007, IDNR biologists and their agents surveyed the site on several occasions. In 1974, eight (8) Spotted Dusky Salamanders were collected on the site. No salamanders were located on the site in subsequent surveys by the IDNR and in 2006 Dr. Ronald Brandon, in an unpublished report to the IDNR, suggested that the site should be considered for de-listing, since it was at best marginal (McDowell, 2008). IDNR staff or their Agent(s) will be allowed to continue to conduct monitoring and surveys annually of the site during the Spring, between April 1 and May 30, and in the Fall between September 1 and October 15, during mining and remediation.

In addition, following mine site reclamation and stream re-meandering and wetland plantings, permanent monitoring stations will be located at intervals spaced every 500 hundred feet along the wetland corridor. These stations will be evaluated twice annually in the spring and fall at the beginning and end of the growing season. Copies of these monitoring reports will be submitted annually to the IDNR (attn: Joseph Kath) and the USACE, no later than January 31<sup>st</sup> of the next/following year. Monitoring shall be conducted by a qualified

individual that is employed with and/or hired through MPC. This individual must first be approved in writing by the IDNR prior to commencement of any monitoring activities. In addition, IDNR staff or their Agent(s) will be allowed to continue to conduct monitoring and surveys annually of the site during the Spring, between April 1 and May 30, and in the Fall between September 1 and October 15, during mining, remediation, and post reclamation monitoring for the 5 year period described below in Authorization Item #1.

3. The parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided:

In an official correspondence to the Department dated 27 February 2012, Oil-Dri Corporation of America (MPC) verified that adequate funding exists to support and implement all (mitigation) activities described in the official Conservation Plan. This correspondence states that: While mining or reclamation activities are occurring on the permit area of the LeFevre-Mager mine site (LFM), MPC will obtain and maintain a surety bond of no more than \$84,000.00 which is in excess of MPC's estimation of project costs for reclamation. MPC will provide proof of bonding to IDNR (attn: Joseph Kath) prior to commencing mining of any portion of the site that was not disturbed in previous mining and site disturbances.

In addition: The Mounds Production Company and Oil-Dri Corporation agrees to make a one-time payment/settlement of \$150,000.00 specifically to the "Illinois DNR Wildlife Preservation Fund". Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), authorization for the incidental take of the State listed Spotted Dusky Salamander (*Desmognathus conanti*) in Pulaski County, Illinois [associated with the LeFevre-Mager Mine #5 absorbent clay surface mine] shall be subject to the specific terms and conditions described in this Final Authorization and Implementing Agreement.

4. Based on the best available scientific data, the Department has determined that the taking will most likely not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild in Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

From a mining perspective, there are no practical no-take alternatives which allow for the continued operation of the Mounds Production Company in Pulaski County, Illinois, since the only no-take alternative would require abandonment of the active mine, Mounds Production Company's principal raw materials source. MPC may only mine on real property in which it has a contractual or other legal right to mine. Specifically, MPC is contractually obligated to LeFevre and Michel to complete mining activities on specified pieces of property before seeking to mine elsewhere. Even on those sites on which it has the right to mine, MPC can

only mine where recovery of the clay is economically feasible. Because the Spotted Dusky Salamander habitat is found where Mounds gravel contacts with Porter's Creek clay outcrops, it is likely that any other economically feasible sites would be determined to be a potential Spotted Dusky Salamander occurrence. This tract is being, and has been, actively mined to supply the Mounds plant with raw materials for 25 years.

MPC is committed to minimizing harm to the Spotted Dusky Salamander that may occur due to permitted mining activities on the LeFevre-Mager mine site. MPC is and has been mining on the surrounding lands for many years. MPC proposes to reroute portions of the central drainage system, while protecting water and wildlife source areas both upstream and downstream from the affected areas.

Wherever feasible, structures will be placed so as to minimize potential Spotted Dusky Salamander habitat disturbance and destruction. Spotted Dusky Salamander habitat will be protected from sediment damages by Best Management Practices such as silt fencing, water control berms, and vegetated buffers. Any known incidental take will be recorded, with all related records appropriately retained at MPC's Mounds plant. Such incidental take will be reported within 72 hours of discovery to the IDNR (attn: Joseph Kath) and any animals or animal remains must immediately be turned over to the IDNR upon request pursuant to conditions of this Final Incidental Take Authorization.

Post-mining reclamation will occur on an ongoing basis as mining of new acreage on the site proceeds, and will include restoration of any disturbed wetland habitat. MPC will also protect the constructed habitat and other potential habitat through deed restrictions as outlined above. The entire site will be monitored, as indicated above.

5. Any measures required under Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], will be performed:

Additional measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and official Oil-Dri Corporation of America and/or MPC signature(s) on this authorization indicates their commitment to performing those measures.

6. The public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application:

Oil-Dri Corporation of America (in conjunction with MPC) prepared a conservation plan for the LFM Surface Mine as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That FINAL plan (2012) and Oil-Dri's request for authorization for incidental take of spotted dusky salamanders were received by the Illinois Department of Natural Resources (Department) on 27 February 2012. Public notice of Oil-Dri's request for authorization of incidental take of this State endangered species was published in the Breeze Courier (Official State newspaper) and the Monday's Pub (Pulaski County) on April 9, 2012, as well as on April



16, 2012 and April 23, 2012. Public comments on Oil-Dri/MPC's conservation plan were accepted by the Department until May 23, 2012. No comments were received by the public during the period of April 9, 2012 through May 23, 2012.

During site investigations and other planning to expand its existing surface mine, located on the same (LFM) tract, MPC determined that habitat conducive to the spotted dusky salamander occurs in the central drainage bisecting the subject property. After extensive consultation with the Department, MPC created a Conservation Plan to minimize detrimental impacts to the spotted dusky salamander that may result from the construction, grading, excavation, and mining activities associated with the mine expansion. MPC will restore mined areas and drainage courses and preserve upstream forested habitat. MPC will also construct and maintain sediment retention and control in accordance with best management practices (BMPs) to protect habitat from storm water runoff and soil erosion.

### **Authorization**

It is the determination of the Department that the measures to be implemented by the Oil-Dri Corporation of America/MPC should likely minimize and mitigate for the anticipated taking (disturbance and/or harassment) of a small number of spotted dusky salamanders due to the mining of the LFM Tract, in Pulaski County, Illinois. Further, it is our opinion that the take (disturbance/harassment) authorized herein will most likely not diminish the likelihood of the survival of the spotted dusky salamander in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], this authorization is issued subject to the following additional terms and conditions:

1. This authorization is effective upon signature of the Department and shall remain in effect and begin immediately on the first day of ANY pre-mining activities on the subject parcel/permitted area, unless terminated pursuant to Section 5.5. of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.80]. This authorization shall remain in effect until completion of LFM mine site reclamation and all associated monitoring, and not before. See Authorization Item #3 below.
2. Mounds Production Company, LLC, Oil-Dri Corporation of America and any and all environmental consultants/contractors, shall be responsible for overseeing and coordinating all minimization, monitoring (pre and post reclamation), and mitigation efforts identified within the LeFevre-Mager Mine #5 (LFM) absorbent clay surface mine (Pulaski County, Illinois) Conservation Plan and this subsequent Final Incidental Take Authorization document. All minimization, monitoring, and mitigation efforts associated with the LeFevre-Mager Mine #5 absorbent clay surface mine (Pulaski County, Illinois) must first be reviewed and officially approved in writing by an authorized agent of the Illinois Department of Natural Resources (Department) prior to any form of implementation.

3. Following completion of LFM mine site reclamation, stream re-meandering and wetland plantings, permanent monitoring stations will be located at intervals spaced every 500 hundred feet along the wetland corridor. These stations will be evaluated twice annually in the spring and fall at the beginning and end of the growing season each year for a period of 5 years. Copies of these monitoring reports will be submitted annually to the IDNR (attn: Joseph Kath – the IDNR will then distribute copies of these reports to the Illinois Natural Heritage Database, as well as the Endangered Species Protection Board/ESPB) and the USACE, no later than January 31<sup>st</sup> of the next/following year. Monitoring shall be conducted by a qualified individual that is employed with and/or hired through MPC. This individual must first be approved in writing by the IDNR prior to commencement of any monitoring activities. In addition, IDNR staff or their Agent(s) will be allowed to continue to conduct monitoring and surveys annually of the site during the Spring, between April 1 and May 30, and in the Fall between September 1 and October 15, during mining, remediation, and post reclamation monitoring for the 5 year period described above.

4. All mine site reclamation/habitat reconstruction efforts described in this document will be protected in perpetuity from disruption by way of a restrictive covenant. Copies of this restrictive covenant shall be officially filed with Pulaski County, kept on record at MPC, and supplied to the IDNR (attn: Joseph Kath). The provision of protected areas should enhance the potential for colonization of the reconstructed habitat by the Spotted Dusky Salamander with the intent to assure the survival of a viable population of the species on this tract.

5. In addition to those listed previously in this Authorization (Authorization Item #3 above), the following mitigation measures shall be implemented with regards to the Mounds Production Company, LLC - mining of the LFM tract in Pulaski County, Illinois project:

Oil-Dri Corporation of America/MPC shall deposit the sum of \$150,000.00 into the State of Illinois' Wildlife Preservation Fund. All checks shall be sent to the attention of: Joseph Kath and made payable to the "Illinois Wildlife Preservation Fund". These funds will be used solely for Spotted Dusky Salamander conservation, restoration, management, and/or recovery efforts including but not limited to: Spotted Dusky Salamander habitat restoration; enhancement; acquisition; biological surveys; captive rearing; and/or species translocation efforts anywhere within the State of Illinois. This money shall be made in one (1) installment and be received by the IDNR within 45 days of official ITA document execution.

6. The following Reporting Measures shall be implemented with regards to the Mounds Production Company, LLC - mining of the LFM tract in Pulaski County, Illinois project:

Following completion of LFM mine site reclamation, stream re-meandering and wetland plantings, permanent monitoring stations will be located at intervals spaced every 500 hundred feet along the wetland corridor. These stations will be evaluated twice annually in the spring and fall at the beginning and end of the growing season each year for a period of 5 years. Copies of these monitoring reports will be submitted annually to the IDNR (attn: Joseph Kath- the IDNR will then distribute copies of these reports to the Illinois Natural Heritage Database, as well as the Endangered Species Protection Board) and the USACE, no later than January 31<sup>st</sup> of the next year. Monitoring shall be conducted by a qualified individual that is employed with and/or hired through MPC. This individual must first be approved in writing by the IDNR prior to commencement of any monitoring activities. In addition, IDNR staff or their Agent(s) will be allowed to continue to conduct monitoring and surveys annually of the site during the Spring, between April 1 and May 30, and in the Fall between September 1 and October 15, during mining, remediation, and post reclamation monitoring for the 5 year period described above.

7. The following Party Responsibilities shall be in effect with regards to the Mounds Production Company, LLC - mining of the LFM tract in Pulaski County, Illinois project:

Oil-Dri Corporation of America/MPC shall be responsible for the implementation of the Conservation Plan ("the plan"), including all fiscal responsibilities, and all measures listed in this Final Incidental Take Authorization. In particular:

The Plant Manager, Mounds Production Company, LLC, an officer of Oil-Dri Corporation, will be responsible for MPC's execution on the LeFevre-Mager (LFM) tract of all site-specific obligations under the incidental take authorization.

The Senior Geologist, Oil-Dri Corporation of America, will be MPC's primary contact with the IDNR, coordinating MPC's performance under this Incidental Take Authorization and ensuring MPC's timely filing of all required plans and reports under this Incidental Take Authorization.

The Vice President and General Counsel, Oil-Dri Corporation of America, will be responsible at the corporate level for ensuring MPC's executing of all obligations under this Incidental Take Authorization.

As the Manager of Mounds Production Company, the MPC plant manager has the authority to commit the resources necessary to carry out the provisions of this Incidental Take Agreement with respect to mitigation payments, and site restoration, and to provide site access for habitat and species monitoring or other necessary activities to be performed by the Illinois Department of Natural Resources or its designated Agents.

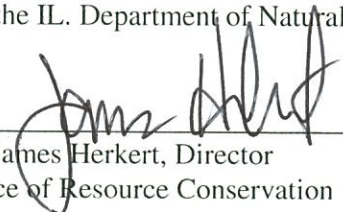
8. Any and all known incidental take associated with any aspect of this project will be officially recorded by MPC and/or its designated agent(s), with all related records appropriately retained at MPC's Mounds plant. Such incidental take will be reported within 72 hours of discovery to the IDNR (attn: Joseph Kath – who will also report such takings to the ESPB) and any animals or animal remains must immediately be turned over to the IDNR upon request pursuant to conditions of the Final Incidental Take Authorization.

9. The effective period of this authorization may be altered by mutual agreement between Oil-Dri Corporation of America/MPC and the Department.

10. This authorization may be revoked pursuant to Section 5.5 of the Act if the Department finds that Oil-Dri Corporation of America/MPC has failed to comply with any of these terms and conditions or has been responsible for the take of any spotted dusky salamanders beyond that which is incidental to the mining of the LFM tract in Pulaski County, Illinois project.

11. The Oil-Dri Corporation of America/MPC official identified below is authorized to execute this agreement. Execution by Oil-Dri Corporation/MPC official indicates acceptance of all terms and conditions described in this document.

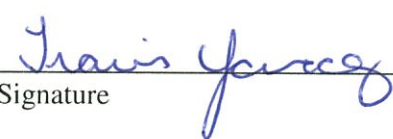
For the IL. Department of Natural Resources

  
\_\_\_\_\_  
Dr. James Herkert, Director  
Office of Resource Conservation

\_\_\_\_\_  
Date Signed

11/7/12

For the MPC/Oil-Dri Corporation of America

  
\_\_\_\_\_  
Signature

Travis Yancey - Plant Manager  
Please print name and official title

10-19-12  
\_\_\_\_\_  
Date Signed